

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 28, 2005. At the time of the Office Action, Claims 1-16 were pending in this Application. Claims 1-16 were rejected. Claims 1, 7, and 8 have been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

Specification Objections

The Specification was objected to due to informalities. Applicant amends the Specification to overcome these objections.

Rejections under 35 U.S.C. § 101

Claims 1-16 were rejected by the Examiner under 35 U.S.C. §101 because the "development system" and "development device" recited in Claims 1 and 8 are described as computer programs. Even though Applicant disagrees and believes that the description in paragraph [0003] would not be interpreted by a person skilled in the art as recited by the Examiner, Applicant amends paragraph [0003] to clarify that the system and not the program comprises the device.

Rejections under 35 U.S.C. § 102

Claims 1-16 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,978,476 issued to Scott Redman et al. ("Redman et al."). Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as

anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicant amended the independent claims to include the limitation that the encrypted program code is converted into HTML- or XML-format before it is transferred over the Internet.

Redman discloses merely that an encrypted file can be made freely available to the public via download on the World Wide Web. However, Redman fails to comprise the step of converting the encrypted file into HTML- or XML-format. Making a file available through the World Wide Web does not include a conversion into HTML- or XML-format. Rather, a download manager is necessary to download the respective file. The specification of the present application discloses that only a part of a control program, in other words, only certain program code, is to be encrypted. The above method allows for a partial encryption because the HTML- or XML-format display data in text format. Thus, parts of the text representing the program code can be encrypted and other parts may not be encrypted. Making a file available on the World Wide Web as suggested by Redman does not allow for the above described method.

Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and does not concede that the Examiner's proposed combinations are proper.

Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be directed to Customer No. **31625** and all telephone calls should be directed to Andreas Grubert at 512.322.2545.

CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicant



Andreas Grubert
Limited Recognition No. L0225
Expires June 30, 2006
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: September 21, 2005

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DRAWING AMENDMENTS

In the Drawing:

The drawings were objected to because some of the descriptive labels are not in English. Please replace the Drawing Sheet with replacement Drawing Sheet 1/1. All labels have been translated into English. Applicant provides formal corrected drawings to be entered if the proposed changes are accepted by the Examiner.